

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

DAVID LASSEQUE

v.

UNITED STATES OF AMERICA

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Cr. No. 13-111 WES

ORDER

WILLIAM E. SMITH, Chief Judge.

Before the Court is the Motion for Leave to Appeal in Forma Pauperis ("IFP") filed by David Lasseque. (ECF No. 120.) Because the Court concludes the appeal is groundless and thus not taken in good faith, the Motion is DENIED.

Lasseque's right to appeal in forma pauperis is governed by 28 U.S.C. § 1915, which provides that "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). "Because the good faith standard is an objective one, an appeal is deemed not taken in good faith if the issues presented are frivolous. An appeal is considered frivolous when it is based on an 'indisputably meritless legal theory or factual allegations that are clearly baseless.'" Lyons v. Wall, No. 04-380, 2007 WL 2067661, at *1 (D.R.I. July 13, 2007) (internal citations omitted).

In the instant case, the Court denied Lasseque's Motion for Certificate of Appealability because Lasseque has failed to make

a substantial showing of the denial of a constitutional right as to any claim, as required by 28 U.S.C. § 2253(c)(2). He has still failed to make such a showing. Because the Court has determined that Lasseque is not entitled to appeal at all, he is not entitled to appeal IFP. Accordingly, the Motion (ECF No. 120) is DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "WESMITH", written in a cursive style.

William E. Smith
Chief Judge

Date: September 19, 2018